



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of :Kenneth F. Gay
Serial No :09/954,464
Filed :September 14, 2001
For : "Open Frame Shelf Assembly"
TC/AU :3634
Examiner :Khoa H. Tran
Attorney Docket No. :GAY 2-009-3

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Introductory Comments

Sir:

This is a response to an Office Action mailed October 22, 2003 wherein the amendment filed on July 14, 2003 was considered non-compliant having not been submitted in the format required under 37 CFR 1.121 as amended on January 31, 2003. In fact, the amendment does comply with the new regulations. It further should be pointed out that the amendment was mailed July 10, 2003, a point-in-time where the regulations now called for were optional. Even though the applicants submitted the amendment in accordance with the new regulations, they didn't have to.

Also enclosed was an attachment describing "Information on How to Effect Drawing Changes". However, there is nothing in the Office Action to indicate what is wrong with the drawings. Further, the notice is properly submitted in conjunction with a Notice of Allowability. There is no Notice of Allowability in the record.

There is no requirement that claims properly identified as being withdrawn should be identified as "cancelled" in the rules or the Patent Statute at this juncture in the prosecution. However, to advance prosecution of this application, those claims are identified as being cancelled.